

Cause # 4:14 CV-00651

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IN UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

FEB 17 2017

JESSICA GALEAS, §
§
V. § CASE NO. 4:14 CV-651
§ (Jury)
UNITED STATES OF §
AMERICA §

David J. Bradley, Clerk of Court

PLAINTIFF'S MOTION TO MODIFY ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE MELINDA HARMON:

Plaintiff ("Plaintiff") files this, motion to modify petition, U.S.C. § 3730 (b) (2), *Qui tam* action, *under* SEAL, in support thereof, would show unto this Court as follows:

I. INTRODUCTION

Original Complaint *Cause No. 4:14- CV-651* was filed on March 14, 2014. Two months later, on May 20, 2014, pursuant Federal Civ. Proc. Rule 5a the United States intervened. Currently, Defendant United States was served on February 1, 2017 and Defendant has failed to provide an answer.

II. MOTION TO MODIFY

Pursuant to Federal R. Civ. Proc. U.S.C. § 3729 (a) (1), U.S.C. § 3730 (b)(2), U.S.C. § 3730(c)(5) and (1) (b;) and U.S.C. § 3730(d); there is good cause to modify the Original Complaint, in support thereof, Plaintiff would show unto this Court as follows:

1. *Cause No. # 4:14 CV-651* was filed on March 14, 2014. Defendant Law School Admission Council et al was served on April 14, 2014. Defendant American Bar Association's Unopposed Motion for Extension of the Time to Answer or Otherwise Plead was respectfully requested and filed on May 16, 2014.

2. Several days later on May 20, 2014, approximately two months after the Original Plaintiff's Complaint was filed the United States intervened. The United States Justice Department, *Plaintiff Intervenor*, obtained approximately \$7.73 million dollars settlement payment from Defendant Law School Admission Council et al.; and settled the United States Justice Department's Nationwide Disability Discrimination Lawsuit.
3. Pursuant U.S.C § 3730 (b) *Qui tam action* is a private party called a relator. Furthermore, relator who initiates a meritorious suit receives *inter alia*, a percentage of the ultimate damages award, U.S.C § 3730 (d).
4. Defendant United Stated Justice Department intervened within the 60 days, after the notice, May 20, 2014, Plaintiff's Original Complaint was filed. And the government is considered the Plaintiff Intervenor.
5. Defendant Law School Admission Council et al answered on May 30, 2014. Therefore, Law School Admission Council et al proceeded to do a great job at changing their practices. Both Plaintiff and Defendant established successful precedent; provided model for the provision of test takers.
6. Plaintiff seeks relief (A). Relief is sought to ensure compliance with provisions of U.S.C § 3730 (b) and U.S.C § 3730 (d) (1) (b), when the government Plaintiff Intervenor) proceeds with an action brought by a person under subsection (b) (private persons), such person shall receive at least 15 percent but no more than 25 percent of the proceeds obtain of the action or settlement of the claim.

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7. Thereby, Defendant settled United States Justice Department's Nationwide Disability Discrimination Lawsuit for \$7.73 million dollars. However, Defendant United States breached its duty to settle with Plaintiff pursuant U.S.C § 3730 (b). .
8. Moreover, Plaintiff has attempted in good faith to resolve this issue and Defendant has failed to provide an answer and/or response.

III. PRAYER

There is good cause to modify Original Petition on the Court's docket there will be no harm or prejudice should the Court grant reasonable request, therefore Plaintiff respectfully requests the Court issue an Order and for such other further relief, both general and special, both in law and in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

By:



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CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure, I have delivered copies of this document on the 17th day of February, 2017 the following counsel:

Via First Class Mail
U.S. Department of Justice
Attorney General
950 Pennsylvania Avenue, NW
Washington, DC 20530-001



Jessica Galeas